

07-22-04

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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No. E-1902

In Re Application Of: Arthur M. Tofani Jr; et al.

#19

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/689,459	10/12/2000	Jeffrey L. Gellner	000045190	3643	

Invention: METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF HERBICIDES AND PESTICIDES

RECEIVED

JUL 28 2004

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action: 07/26/2004 BABRAHA1 00000062 09689459
☒ is enclosed. ☐ was filed on 01 FC:2453 665.00 OP

The proposed reply is in the form of: Request for Continued Examination

2. ☐ The issue fee:
☐ is enclosed. ☐ was paid on 07/26/2004 BABRAHA1 00000062 09689459
02 FC:2254 740.00 OP

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:
☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required

Adjustment date: 08/30/2004 AKELLEY
 07/26/2004 BABRAHA1 00000062 09689459 -740.00 OP
 02 FC:2254
 Ref. In. Ref: 08/30/2004 AKELLEY 0008234000
 Date: 050208 Name/Number: 09689459
 FC: 9204

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Invention: **METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF HERBICIDES AND PESTICIDES**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$665.00</u> |
| 8. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 9. <input checked="" type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>\$740.00</u> |
| 10. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 11. <input checked="" type="checkbox"/> Continuing application filing fee in the amount of: | <u>\$385.00</u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 13. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: <u>\$1,790.00</u> | |

The fee of **\$1,790** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **05-0208**

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Examiner
Jeffrey L. Gellner

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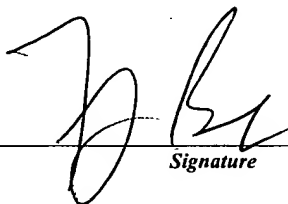
Group Art Unit
3643

Confirmation No.

Invention: **METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF HERBICIDES AND PESTICIDES**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Frank J. Bonini, Jr. Reg No 35,452
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Post Office Box 750
Valley Forge, PA 19482-0750
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Dated:

July 21, 2004

"Express Mail Post Office Addressee"
Service, Label No. **282703216-45**

Office of Petitioning

I certify that this document and fee is being deposited on **July 21, 2004** with the U.S. Postal Service, as first class mail under 37 C.F.R. 1.100 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Frank J. Bonini, Jr.

Typed or Printed Name of Person Mailing Correspondence

CC: